



TOWN OF WESTBOROUGH MASSACHUSETTS

OFFICE OF THE TOWN CLERK

TOWN HALL - 34 WEST MAIN STREET
WESTBOROUGH, MA 01581-1998
TEL: (508) 366-3020 | FAX: (508) 366-3012

July 20, 2023

NOTICE OF ATTORNEY GENERAL DECISION

This is to notify voters in the Town of Westborough, in accordance with G.L. c. 40, § 32 that on July 18, 2023 the Attorney General approved the following articles which were voted at the Annual Town Meeting, convened on March 25, 2023 (certified votes are attached for reference):

Warrant Articles # 32, 33, and 34 (ZONING)

Warrant Articles # 31, 35, and 38 (GENERAL)

On this day, the below named Constable posted this notice for public inspection in the following locations in the Town of Westborough: Town Hall, the Public Library and the Senior Center. This notice has also been posted on the Town's municipal website.

Respectfully,

 7-20-2023

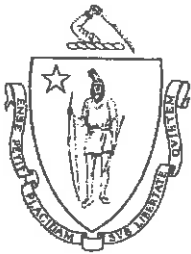
Deborah E. Ledoux, Town Clerk

Date

Constable: 



Printed Name



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

July 18, 2023

Deborah E. Ledoux, Town Clerk
Town of Westborough
34 West Main Street
Westborough, MA 01581

RECEIVED
TOWN CLERK'S OFFICE
JUL 19 AM 8:56
(508) 792-7600
(508) 792-1994 fax
www.mass.gov/ago

Re: Westborough Annual Town Meeting of March 25, 2023 - Case # 10890
Warrant Articles # 32, 33, and 34 (Zoning)
Warrant Articles # 27, 29, 31, 35, and 38 (General)

Dear Ms. Ledoux:

Articles 31, 32, 33, 34, 35, and 38 - We approve Articles 31, 32, 33, 34, 35, and 38 from the March 25, 2023 Westborough Annual Town Meeting.

Articles 27 and 29 - The Attorney General's deadline for a decision on Articles 27 and 29 is extended for an additional 60 days under the authority conferred by G.L. c. 40, § 32. The agreement with Town Counsel for a 60-day extension was sent to you on July 10, 2023. We will issue our decision on Articles 27 and 29 on or before **September 22, 2023**.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Date: July 19, 2023

"A TRUE COPY ATTEST"


Signature of Notary/Town Clerk

Very truly yours,
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Shirin Everett



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THIS IS TO CERTIFY that at the Annual Town Meeting in the Town of Westborough, duly called as required by law and held on March 25, 2023 in the High School Auditorium, 90 West Main Street (no quorum necessary) is was

VOTED: Under

ARTICLE 31: Establish Article 18 - Community Preservation Committee in Westborough General Bylaws (Select Board)

To see if the Town will vote to create a new bylaw Article 18 – Community Preservation Committee as follows:

ARTICLE 18 – COMMUNITY PRESERVATION COMMITTEE

SECTION 1 Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B (the "Act"). The composition of the Committee, the appointment authority and the term of office for the committee members shall be as follows:

- One member of the Westborough Conservation Commission as designated by that Commission.
- One member of the Westborough Historical Commission as designated by that Commission.
- One member of the Westborough Planning Board as designated by that Board.
- One member of the Westborough Recreation Commission as designated by that Commission.
- One member of the Open Space Preservation Committee as designated by that Committee.
- One member of the Westborough Housing Authority as designated by the Authority.
- One member of the Westborough Affordable Housing Trust as designated by that Trust.
- Two (2) members to be appointed at large by the Westborough Select Board. At large members must be residents of Westborough.

Each appointment of a member to the Community Preservation Committee shall be by majority vote of the appointing body, a certified copy of which vote shall be sent by the clerk of the appointing body to the Town Clerk. The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, the Open Space Preservation Committee, the Housing Authority and the Affordable Housing Trust shall be appointed annually for a term of 1 year and shall serve no more than 5 consecutive terms. The two (2) at large members appointed by the Select Board are appointed as follows: The at large members shall first be appointed in staggered terms (one (1) appointee for a 2-year term; one (1) appointee for a 1-year term) and subsequently be appointed for a term of 3 years. After the initial appointment of the members of the Committee, any vacancy occurring in the Committee from any cause may be filled for the remainder of the unexpired term by the Commission,

Board or Authority, as the case may be, which made the initial appointment, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill such vacancy.

Should any of the Commissions, Boards, Councils, Authorities, or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, Authority, or Committee shall become the responsibility of the Select Board.

The Committee shall elect a Chairman and Vice Chairman from among its members and shall elect a Secretary who need not be a member of the Committee. After having a public hearing and requesting recommendations from Town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities. Any member of the Committee may, after a public hearing before the Commission, Board or Authority which appointed the said member, be removed for cause by majority vote of such Commission, Board or Authority.

SECTION 2 DUTIES

- (A) The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the appointing bodies identified in Section 1 of this bylaw, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold at least one annual public informational hearing on the needs, possibilities and resources of the Town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.
- (B) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section.
- (C) The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to Section 3 of the Act.

In every fiscal year, the Community Preservation Committee shall recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund in each of the following areas for (a) open space and recreation; (b) historic resources; and (c) community housing. As provided in the Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting. The Select Board shall insert an article in the warrant for each Annual Town Meeting, and for any Special Town Meeting upon the written request of the Community

Preservation Committee, to enable Town Meeting to make appropriations for community preservation purposes recommended by the Community Preservation Committee for the current or next fiscal year. The community preservation purposes recommended by the Community Preservation Committee to be funded from the Community Preservation Fund shall be in addition to and coordinated with the annual report of recommended capital expenditures prepared by the Capital Expenditures Committee, and the Capital Expenditures Committee shall state at Town Meeting whether it endorses each recommendation of the Community Preservation Committee.

SECTION 3 REQUIREMENT FOR A QUORUM AND COST ESTIMATES

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Chapter 30A, §§18-25. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum present. Recommendations to the Town Meeting shall include the Community Preservation Committee's anticipated costs.

SECTION 4 AMENDMENTS

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with M.G.L. Chapter 44B.

SECTION 5 SEVERABILITY

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 6 EFFECTIVE DATE

This bylaw shall take effect after all requirements of M.G.L. Chapter 40, §32 have been met, including approval by the Attorney General of the Commonwealth, and the Town has accepted Chapter 44B, Section 3-7 inclusive. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.

or take any other action thereon

Article Information - This article establishes a bylaw for the Community Preservation Committee which will be responsible for making recommendations to Town Meeting for the use of Community Preservation Act Funds. The motion for this article requires a simple majority vote.

Motion: Shelby Marshall, Select Board Member: *I move the article as printed in the warrant.*

VOTE: 137 in favor, 14 opposed. Majority vote. Motion Carries.

Respectfully Submitted,



Deborah E. Ledoux, Town Clerk



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VOTED: Under

ARTICLE 32: Replace Zoning Bylaws (Planning Board)

To see if the Town will vote to adopt the reorganizing and renumbering of the Zoning Bylaw of the Town as set forth in the Final Draft of the Zoning Bylaw dated January 2023 on file with the Westborough Planning Board and Town Clerk, said reorganizing and renumbering of the Zoning Bylaw having been done under the direction of the Planning Board. All Zoning Bylaws, as amended, heretofore in force shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law; or what it will do in relation thereto.

Or take any action thereon.

Article Information – This is a recodification of the Town's Zoning Bylaws. The Town has been working with General Code to review the existing zoning bylaw. This article recommends reorganization and reformatting improvement to the existing bylaws. The motion for this article requires a two-thirds majority vote.

Motion: Mark Silverberg, Planning Board Chair: *I move the article as printed in the warrant.*

VOTE: 145 in favor, 4 opposed. 2/3 vote. Motion Carries.

Respectfully Submitted,

Deborah E. Ledoux, Town Clerk



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THIS IS TO CERTIFY that at the Town Meeting in the Town of Westborough, duly called as required by law and held on March 25, 2023 in the High School Auditorium, 90 West Main Street (no quorum necessary) it was

VOTED: Under

ARTICLE 33: Amend Zoning Bylaws (Planning Board)

To see if the Town will vote to adopt the general and specific revisions to the Zoning Bylaw as set forth in the Final Draft dated January 2023, including amending the following sections of the Bylaw: Article 1 General Provisions and Definitions; Article 2 Administration and Enforcement; Article 3 Site Plan Review and Design Review; Article 4 Zoning Districts; Article 5 Use and Dimensional Regulations; Article 6 Special Use and Development Regulations; Article 7 Accessory Uses and Structures; Article 8 General Regulations on file with the Westborough Planning Board and Town Clerk. A complete list of all revisions are listed below.

General Revisions: These revisions are not substantive in that the meaning or intent of the terminology is not altered. These revisions update the bylaw to be consistent with state law and statute or make terminology consistent with contemporary language.

- References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.
- The terms "Building Inspector" and "Zoning Enforcement Officer" are amended to "Building Commissioner."
- The term "Board of Appeals" is amended to "Zoning Board of Appeals."
- The term "Chairman" is amended to "Chairperson."
- The term "Zoning Bylaws" is amended to "Zoning Bylaw."
- All references to the AB High Rise Apartment District are deleted. This District was removed from the Zoning Bylaw at a previous Town Meeting.
- References to the "Single Residence Zone" are amended to "Single Residential Zone."
- References to "special permit granting authority" are amended to "SPGA."

Specific Revisions: These changes are considered substantive amendments in that language may have been added or deleted or the meaning may have been altered.

- 1) The definition of "building, principal" in § 1.6 is amended as indicated: "A building which has as its primary purpose is for the furtherance of the functioning of the principal use and which is located on the same lot as the principal use."
- 2) The definition of "congregate housing" in § 1.6 is amended to change "over age 60" to "over age 62."
- 3) The definition of "discharge," Subsection B, in § 1.6 is amended to change "Massachusetts Department of Public Works" to "Massachusetts Department of Transportation."
- 4) In § 1.6, the definitions of "marijuana," "marijuana cultivation," and "medical marijuana treatment and dispensing facilities" are deleted.
- 5) The definition of "parking space" in § 1.6 is amended to change "350 square feet" to "180 square feet."
- 6) The definition of "recreational camps" in § 1.6 is amended to change "Massachusetts Department of Health" to "Massachusetts Department of Public Health."
- 7) A definition of "SPGA" is added in § 1.6 reading "Special permit granting authority."
- 8) Section 2.1 is amended as indicated:
This bylaw shall be administered by the ~~Select Board through a~~ Building Commissioner. The Commissioner's duties shall consist of obtaining all routine information, issuing zoning and occupancy permits, and, in general, administering this bylaw under the control and direction of the Select Board. ~~The Building Commissioner shall be notified by the Select Board as to the granting or refusal of any application over which he may have jurisdiction.~~
- 9) Section 2.2B is amended as indicated:
Applications for permits for construction shall be accompanied by ~~two prints of~~ a plan of the lot, drawn to scale, showing the actual dimensions of the lot, exact location and size of any existing or proposed buildings, and streets and ways adjacent to the lot, and all other items as required by the then current application.
- 10) Section 2.3 is amended to read as follows:
A Zoning Board of Appeals is hereby established under the provision of MGL c. 40A, § 12, as amended, consisting of three members and two associate members who shall be appointed and act in all matters under this bylaw in the manner prescribed by MGL c. 40A. The Zoning Board of Appeals shall have the following powers, except where an SPGA is otherwise identified in the bylaw:
- 11) Section 2.3 is amended to delete the footnote that immediately followed the lead-in paragraph, which read: "Except that a Highway Business District BA and BA(f), SLO, ID and MUD (ATM 2010) Special Permits and Appeals shall be heard and decided by the Planning Board unless stated elsewhere in these zoning bylaws."
- 12) Section 2.3B is amended to read as follows:
Variances. To authorize upon appeal, or upon petition with respect to particular land or structures, a variance from the terms of the Zoning Bylaw where the Board specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or

substantially derogating from the intent or purpose of such bylaw. Except where otherwise provided, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided, however, that such variances properly granted prior to January 1, 1976, but limited in time may be extended on the same terms and conditions that were in effect for such variance upon said effective date. The Zoning Board of Appeals is hereby authorized to grant use variances conditioned upon the satisfaction of the criteria for the granting of variances in this section.

- 13) Section 2.3C(1) is amended to change "shall lapse within six months" to "shall lapse within a period of not more than three years."
- 14) Section 2.4, lead-in paragraph, is amended to change "75 days" to "100 days."
- 15) Section 2.7 is amended to change "Select Board" to "Building Commissioner."
- 16) Section 2.8 is amended to change the fine amount from "not more than \$100 for each violation" to "the maximum fine allowable by MGL c. 40A Section 7, except where another penalty is provided".
- 17) Section 3.1B is amended as indicated: "No certificate of zoning compliance shall be issued for any such building or buildings, unless the same conforms in all respects to such site plan and unless all facilities included in the site plan have been built in accordance therein therewith."
- 18) Section 3.1D is amended to change "bylaw" to "section": "Single- and two-family residential uses shall be exempt from this ~~bylaw section~~. Buildings where external changes are not proposed are exempt from the provisions of this ~~bylaw section~~."
- 19) Section 3.2 is amended to change "Select Board" to "Planning Board" in the opening paragraph.
- 20) Section 3.2E is added to read as follows: "In addition to the requirements of this article, the procedures for review and approval of site plans shall be as provided in the Town of Westborough Site Plan Review Rules and Regulations adopted by the Planning Board July 16, 2019, as amended."
- 21) Section 3.4 is amended to replace the first two sentences with the following: "A person applying for site plan review shall file an application with the appropriate SPGA or, where there is no special permit required, the Planning Board."
- 22) Section 3.5A is amended to revise the first sentence to read as follows: " The SPGA or, where there is no special permit required, the Planning Board shall not make a finding and determination upon an application until it has received the final reports of the appropriate department and/or boards."
- 23) Section 3.5B is amended to change "Building Commissioner" to "appropriate SPGA."
- 24) Section 3.6C(1) is amended as indicated: " The Design Review Board shall review applications for design review, as appropriate, submitted pursuant to Article 2 and Article 3."
- 25) Section 4.1A is amended to add the Industrial E Overlay (IE) District to the list of districts and to delete Notes (3) through (9) and move the cross-references which appeared in the notes into the table.
- 26) Section 4.3B is amended as indicated: "~~This overlay district shall apply to a~~All new construction, reconstruction, or expansion of existing activities or uses permitted in the portion of the district so overlaid shall be permitted, subject to all the provisions of this district, unless expressly prohibited under this overlay district."
- 27) Section 4.3C(2)(a) is amended as indicated: "At the request of the owner(s), the Town may engage a professional hydrogeologist or engineer to determine more accurately the location and

extent of an aquifer or recharge area or to review information submitted by the owner(s) and may charge the owner(s) for all or part of the cost of the investigation."

- 28) Section 4.3E(2)(c) is amended to change "parties of interest" to "parties in interest."
- 29) Section 4.3D(2), the last row in the table is amended to change "SP" to "S."
- 30) Sections 4.4E(1), 4.5E(1), 4.7E(1), 4.8B(1), 4.9B, 4.10B and 6.2B are amended to change the references to § 1.1 (Purpose) to "this Zoning Bylaw."
- 31) Sections 4.4E(3) and 4.7E(3) are amended to change "multiple buildings" to "multiple uses."
- 32) Section 4.4F is amended to change "Select Board" to "SPGA" and to delete the following sentence: "Within an MUD, the Select Board shall approve the site plan."
- 33) Section 4.6F(1)(j) is amended as indicated: "Minimum separation of buildings on same lot: 20 feet."
- 34) Section 4.7G(1) and (2) are amended to change "Select Board" to "Planning Board."
- 35) Section 4.8 is amended to change "Planning Board" and "Board" to "SPGA" except in Subsection B(1).
- 36) Section 4.8F is amended to change "Senior Housing Overlay District" to "Senior Living Overlay District."
- 37) Section 4.8H(2)(e) is amended to change "two years" to "three years."
- 38) Section 4.8H(3)(a)[3] is amended to change "continuing care residence community" to "continuing care retirement community."
- 39) Section 5.2B is amended to change "six months" to "12 months."
- 40) Section 5.2F is amended as indicated:

A nonconforming use which has been abandoned or discontinued for a period of two years, ~~or a nonconforming sign which has been abandoned or discontinued for a period of six months~~, shall not be reestablished and any future use shall conform with this bylaw, except in the case of land used for agriculture, horticulture or floriculture where such nonuse shall have existed for a period of five consecutive years.
- 41) Section 5.4A, the Dimensional Schedule, is amended to change "30" to "30 feet" in the entry for minimum rear yard under the "All Other" use category.
- 42) Section 5.4A, the Dimensional Schedule, is amended to change "600 feet" to "600 square feet" in the entry for minimum habitable floor area per dwelling unit under the "Senior Living Overlay" use category.
- 43) Section 5.4A, the Dimensional Schedule, is amended to add the word "permit" in the following entry under "Senior Living Overlay": "5 for independent living, no requirement otherwise, or Planning Board determines via special permit."
- 44) Section 5.4B is amended as indicated: Nonresidential buildings in nonresidential districts (BA, BB, IA, IB, ~~IC~~, ID, IE, DPOD, MUD and G2) (see § 5.4A for residential buildings).
- 45) Section 5.4C is amended as indicated: "In the case of adult entertainment uses, all the dimensional requirements of § 6.6D(2) shall be met in addition to the applicable requirements of § 5.4B, BA ~~and BA(f)~~ Districts."
- 46) Section 5.4D is amended as indicated: "...a report with recommendations by the Planning Board has been submitted to the Town Meeting pursuant to the provisions of MGL c. 40A, § 5, as amended, and provided further that the site plan review process as defined by Town bylaws shall apply..."

- 47) Section 6.2A is amended to delete the following sentence: "The Westborough Master Plan dated May 2003 identifies a perceived, but unrealized, provision for multifamily housing."
- 48) Section 6.3A is amended as indicated: "Purpose. The purpose of this section is to:"
- 49) Section 6.3C is amended to change "open community development" to "open space community development" and to revise Subsection C(1) and (2) as indicated:
- (1) For major residential development, that is, the potential creation of more than six residential house lots on a property or set of contiguous properties in common ownership, an open space community development is allowed only by special permit issued by the Planning Board, in accordance with § 2.3C.
- (2) For minor residential development or a parcel of at least five acres but less than 10 acres in size, at the owner's option, an application can be made for an open space community special permit issued by the Planning Board in accordance with § 2.3C in preference to filing a conventional development plan.
- 50) Section 6.5B(2) is amended to read as follows: "Large-scale ground-mounted solar photovoltaic installations shall only be allowed in the districts as indicated on the Use Regulation Schedule."
- 51) Section 6.6B is amended to add "issued by the Planning Board in accordance with § 2.3C" after "Special permits" and to change "adult paraphernalia" to "adult paraphernalia stores."
- 52) The definition of "adult bookstore" in § 6.6C is amended as indicated: "An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other matter which are distinguished or characterized by their emphasis ~~sexual~~ depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31."
- 53) Section 6.6D(2)(a) is amended as indicated:
- The applicant shall file one copy of the application with the Town Clerk and deliver a second, date stamped copy of the application ~~from~~ to the office of the Planning Board. All applications shall be accompanied by 15 copies of the ~~permit applied for application and required plans and specifications. Special permits issued by a special permit granting authority shall require a two thirds vote of boards with more than five members, a vote of at least four members of a five member board and a unanimous vote of a three member board.~~
- 54) Section 6.6D(2)(b)[4] is amended to change "adult entertainment establishment" to "adult live entertainment establishment."
- 55) Section 6.6D(2)(e) is amended to change "city or Town Clerk" to "Town Clerk" and is also amended as indicated:
- Special permits issued by ~~a special permit granting authority~~ the Planning Board under this section shall require ~~a two thirds vote of boards with more than five members, a vote of at least four members of a five member board and a unanimous vote of a three member board~~ vote of at least four members of the Board.
- 56) Section 6.7F(1) is amended to change "Licensing Board" to "Select Board" in the last sentence.
- 57) Section 6.7F(2) is amended as indicated: "Abutters and abutters-to-abutters within 500 feet shall be notified, in writing, of said application, and the notice shall include any and all dates and locations of public hearings on said application."
- 58) The definition of "marijuana" in § 6.7H is amended as indicated:
- In addition to the commonwealth's definition under MGL c. 94C, ~~our definition for purposes of this bylaw the term "marijuana"~~ shall include marijuana, marihuana, cannabis, hashish, cannabis

seeds, THC (tetrahydrocannabinol) and its derivatives and extracts as well as any substances containing THC, whether in plant, including its flowers, oil, resin, solid, liquid or aerosol form.

- 59) The definition of "medical marijuana treatment and dispensing facilities" in § 6.7H is amended as indicated:
~~A not for profit~~ An entity, as defined by Massachusetts Law as a "medical marijuana treatment center," registered under ~~this law~~ MGL c. 94I, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments or marijuana accessories), transfers, transports, sells, distributes or dispenses medical-use marijuana and related supplies and educational material to qualifying patients or their personal caregivers.
- 60) Section 6.8 is amended to correct the reference to MGL c. 94G, § 1(j), to MGL c. 94G, § 1.
- 61) Section 7.1E(1)(f) and (i) are amended to change "bylaw/ordinance" and "bylaws/ordinances" to "bylaw" and "bylaws," respectively.
- 62) Section 7.2A is amended as indicated: "As provided in the Use Regulation Schedule, a mobile home as a residential use is prohibited in all districts. However, a mobile home or camper may be temporarily occupied:"
- 63) Original Section 4430, Swimming Pool Fencing, is deleted.
- 64) Section 7.5A is amended as indicated:
Except where otherwise provided in this Zoning Bylaw, in nonresidential areas, no structures (including but not limited to power generation or communication devices) shall be permitted with a height in excess of 75 feet, nor shall any such structure be permitted as part of another structure or building with an aggregate height in excess of 75 feet.
- 65) Section 7.5B is amended as indicated:
Except where otherwise provided in this Zoning Bylaw, in residential areas, no structures (including but not limited to power generation or communication devices) shall be permitted with a height in excess of 35 feet, nor shall any such structure be part of a residential structure with an aggregate height in excess of 50 feet.
- 66) Section 8.1C is amended as indicated: "For parking areas of six cars or more, in addition to the requirements in § 8.3B(3), the following shall apply:"
- 67) Section 8.2D(5) is amended as indicated:
Signs which are mounted to any motor vehicle or trailer which is parked for the sole purpose of advertising or directing traffic to a business establishment on or off premises are prohibited ~~except by special permit issued by the Select Board, and then only within Business (BA and BB) and Industrial (IA and IB) Districts.~~
- 68) Section 8.2E(2) is amended to read "Signs which may be permitted in any business, industrial or mixed use district:"
- 69) Section 8.2E(7) is amended to change "Historical Commission" to "Historic Commission."
- 70) Section 8.2G(2) is amended as indicated: "~~A nonconforming sign which is removed or abandoned for longer than 30 days or destroyed by more than 35% shall not be replaced unless it complies with this bylaw. Once a business closes, any nonconforming sign must be removed immediately and any new sign must conform.~~"
- 71) Section 8.4A(4) is amended to update "Massachusetts Department of Environmental Management" to "Massachusetts Department of Environmental Protection."

- 72) Section 8.4G is amended as indicated: "Violations of this section, or of any condition of a special permit or approval granted under this section, shall be punished by a fine of ~~not more than \$300 per day~~ consistent with the fine structure allowable under MGL c. 40, § 21(17), except where another penalty is provided"
- 73) The Use Regulation Schedule is amended in the entry for "Large-scale ground-mounted solar photovoltaic installations" under Accessory Uses, to change "N" to "Y" in the AE District.
- 74) The Use Regulation Schedule is amended in the entry for "Earth removal" to remove Footnote (1) and change "S" in all columns to "SP."
- 75) The Use Regulation Schedule is amended in the entry for "Agriculture, horticulture or floriculture" to delete the word "no" as indicated: "Expansion or reconstruction of existing structures upon land primarily being used for agriculture, horticulture or floriculture shall not be prohibited or unreasonably regulated except that such activities may be limited to parcels of ~~no~~ more than 5 acres in area not zoned for agriculture, horticulture or floriculture."

Or take any action thereon.

MOTION: Jon Pezzoni, Planning Board Member: *I move the article as printed in the warrant with the following revisions:*

Under General Revisions, shorten the word Chairman to Chair;

Item 20: Change Section 3.2E to Section 3.1E;

Item 64: Change Section 7.5A to Section 7.6A;

Item 65: Change Section 7.5B to Section 7.6B

MOTION to Amend: Mark Silverberg, Planning Board Chair: *I move to amend 67 to cross-out the words "or directing traffic to".*

(Moderator John Arnold read through the General Revisions and each item number 1 through 75, while voters read details on the screen in front of Town Meeting and in the Finance Committee Booklet. Voters had questions on the General Revisions as well as item numbers 2, 4, 33, 54 and 67).

VOTE: General Revisions: 143 in favor and 7 opposed. 2/3 vote. Motion carried.

VOTE: Items 1 through 75 in the Warrant with the exception of 2, 4, 33, 54 and 67: 143 in favor and 9 opposed. 2/3 vote. Motion carries.

VOTE: Item 2: 142 in favor and 8 opposed. 2/3 vote. Motion carries.

VOTE: Item 4: 143 in favor and 6 opposed. 2/3 vote. Motion carries.

VOTE: Item 33: 146 in favor and 6 opposed. 2/3 vote. Motion carries.

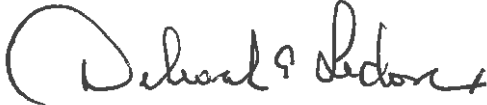
VOTE: Item 54: 141 in favor and 13 opposed. 2/3 vote. Motion carries.

VOTE: Amendment to Item 67 to strike the words "or directing traffic to": 134 in favor and 11 opposed. Majority vote. Motion carries.

VOTE: Amended Main Motion on 67 as printed in the Warrant and in the Finance Committee Booklet with the exception that we are also striking out the words "or directing to": 146 in favor and 11 opposed. 2/3 vote. Motion carries.

(Town Moderator John Arnold told the Town Meeting Voters that all of Article 33 was voted as printed in the Warrant with the exception of the Amendment made in #67. All of the items received the 2/3 vote necessary).

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Deborah E. Ledoux", with a large, stylized initial "D" and a flourish at the end.

Deborah E. Ledoux, Town Clerk



TOWN OF WESTBOROUGH MASSACHUSETTS

OFFICE OF THE TOWN CLERK

TOWN HALL - 34 WEST MAIN STREET
WESTBOROUGH, MA 01581-1998
TEL: (508) 366-3020 | FAX: (508) 366-3012

THIS IS TO CERTIFY that at the Annual Town Meeting in the Town of Westborough, duly called as required by law and held on March 25, 2023 in the High School Auditorium, 90 West Main Street (no quorum necessary) is was

VOTED: Under

ARTICLE 34: Update to Zoning Bylaws (Planning Board)

To see if the Town will vote to Amend its zoning bylaws Section 8.2 Signs and Outside Display by amending:

Subsection C. (6) Projecting signs, by adding the words “except as permitted by the Design Review Board (DRB) in the Downtown Business (BB), Downtown Planning Overlay District (DPOD), Historic District or Gateway 2 District (G2)”;

And by amending Subsection E. (7) Historical Districts and/or National Register properties, item (b) by deleting the words “Historic Commission” in two locations and replacing it with “Design Review Board”;

And by deleting the following sentence at the end Subsection E.(7) (b): “Where there are overlapping review of building elements required by both the Historic Commission and the Design Review Board, the Design Review Board shall be the approving authority for signage on these buildings.”

In addition, by deleting Subsection E. (7) (c) in its entirety and replacing it with the following:
“The Design Review Guidelines shall be applied by the DRB in reviewing and approving signs. Copies of these guidelines shall be made available from both the DRB and Building Commissioner.”

And by amending Subsection E. (7) (d) by deleting the words, “Historical Commission” and “where appropriate” so that the final language in this section reads as follows:

“Following signage review the DRB shall provide a decision to the Building Commissioner.”

And by amending Subsection E. (7) (f) by deleting the words “Historical Commission or”

Or take any action thereon.

Article Information –The motion for this article requires a two-thirds majority vote.

Motion: Hazel Nourse, Member of Planning Board: *I move the article as printed in the warrant.*

(Hazel Nourse noted the Historical Commission is in support of this article and feels strongly it

is the appropriate move to have the Design Review Board take over the sign applications for the downtown and historic area).

VOTE: 149 in favor and 9 opposed. 2/3 vote. Motion carries.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Deborah E. Ledoux". The signature is fluid and cursive, with a large initial "D" and a stylized "L".

Deborah E. Ledoux, Town Clerk



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VOTED: Under

ARTICLE 35: Amend Animal Control Bylaw (Animal Control Officer)

To see if the Town will vote to amend Article 38 of the General Bylaws by amending Section 2, Definitions, to add the following definitions and re-lettering the section and;

Emotional Support animal: Animals including Dogs whose sole function is to provide comfort or emotional support

Service Dog: A dog that is individually trained to do work or perform tasks for people with disabilities. The work or task a dog has been trained to provide must be directly related to the person's disability.

further to amend Sections 3 and 4 by deleting the strikethrough text and adding the bold italicized text, as follows:

Section 3 LICENSE AND TAGS

- (A) Any owner or keeper of a dog six (6) months of age or older shall by January 1 cause the dog to be registered, numbered, described and licensed with the Town Clerk in accordance with the laws of the Commonwealth of Massachusetts. Dogs under six (6) months of age may be licensed as soon as they are vaccinated against rabies. ~~Dogs shall also wear identification tags that identify the owner of such dog.~~
- (B) The license shall be valid for a licensing period of January 1 through December 31 of the year the license is issued. As a prerequisite to the issuance of such license, the owner or keeper of the dog must present the Town Clerk with a veterinarian's certification that the dog has been vaccinated in accordance with M.G.L. c. 140, §145B, as may be amended from time-to-time, certification that such dog is exempt from the vaccination requirement under said section or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog. Exemptions to vaccinations must be renewed annually.
- (C) The fee for such a License shall be established by the Select Board.
- (D) Should any owner of a dog required to be licensed under M.G.L. c. 140 § 137 or section 3 of

this Bylaw in the Town of Westborough fail to license his dog by ~~January~~ **April** 1, the owner shall pay a late fee of five dollars plus an additional fee of five dollars per month beginning April 1 before obtaining said license.

Section 4 · RESTRAINT

No person shall permit any dog, whether licensed or unlicensed, to be on private property without permission of the owner thereof. With permission of the owner, a person may permit any dog, whether licensed or unlicensed, to be unrestrained on private property.

No person shall permit any dog, licensed or unlicensed, on any public property within the Town, including but not limited to public ways, recreation areas, parks, public water supply properties and cemeteries, unless the dog is properly restrained. Notwithstanding the foregoing, dogs need not be restrained on those public lands as specifically identified and voted by the Select Board. A dog is under restraint for purposes of this Bylaw if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog through use of a leash or functioning electronic collar while in range and in sight of the owner or keeper. ***Dogs must be prevented from closely approaching other persons who do not want the dog near them.***

No dog shall be allowed on lands designated by the Board of Health or Town athletic fields or courts.

~~This provision~~ ***These provisions*** shall not apply to a ~~dog specially trained to lead or serve a blind, deaf, or handicapped person or Service dog~~ or a dog specially trained for police work and actively serving in law enforcement ***while the dog is engaged in performing its work.***

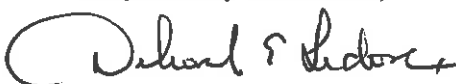
No dog shall be allowed to defecate on the private property of another person. No person shall fail to promptly remove and properly dispose of any feces left by any dog owned, kept or controlled by them on any public property within the Town.

Article Information –The motion for this article requires a simple majority vote.

Motion: Patrick Welch, Select Board Vice Chair: *I move the article as printed in the warrant.*

VOTE: 160 in favor and 5 opposed. Motion Carries.

Respectfully Submitted,



Deborah E. Ledoux, Town Clerk



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VOTED: Under

ARTICLE 38: Amend General Bylaws – Revolving Funds

To see if the Town will vote to amend Article 15 of the General Bylaws by deleting the strikethrough text, as follows:

Economic Development Small Business Grant	To Provide grant assistance for small businesses	Billboard fees	Economic Development Committee	\$40,000
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Article Information – The town has been advised that a revolving fund is not an appropriate mechanism to fund economic development grants to small businesses because such grants are not related to and do not support the billboard leases that generate the revenues. The motion for this article requires a simple majority vote.

Motion: Patrick Welch, Select Board Vice Chair: *I move the article as printed in the warrant.*

VOTE: 166 in favor and 7 opposed. Majority vote. Motion carries.

Respectfully Submitted,

Deborah E. Ledoux, Town Clerk